

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2796 - SB 2721

February 2, 2010

SUMMARY OF BILL: States that the offense of soliciting sexual exploitation of a minor and exploitation of a minor by electronic means can be prosecuted in this state against a person located outside the state if the offender solicited a law enforcement officer posing as a minor located in this state.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$123,100/Incarceration*

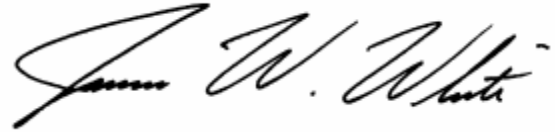
Assumptions:

- Currently it is a Class B felony for a person, 18 years of age or older, to intentionally persuade or cause a minor to engage in sexual activity as defined in Tenn. Code Ann. § 39-17-1002.
- Currently it is a Class E felony for a person, 18 years of age or older, directly or by means of electronic communication, electronic mail or Internet service to intentionally engage in sexual activity in the presence of a minor; display to or expose a minor to any material containing sexual activity for the purpose of sexual arousal or gratification; or to display to a law enforcement officer posing as a minor, whom the person making the display believes is less than 18 years of age, any material containing sexual activity. If the minor is less than 13 years of age, a violation is a Class C felony.
- According to the Administrative Office of the Courts, there have been 34 convictions in the past three years for sexual activity or attempted sexual activity and solicitation of sexual activity involving a minor. According to the Department of Correction (DOC), there was one admission in FY09 for soliciting sexual exploitation of a minor. DOC estimates one additional offender as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class B felony offense is 5.63 years. The cost per offender at 5.63 years is \$123,093.71 (2,056.36 days x \$59.86 = \$123,093.71).
- No additional operating cost as a result of population growth for this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc